

**BOARD OF SUPERVISORS  
EAST COVENTRY TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 193**

**"Municipal Waste Collection and Recycling Ordinance"**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST COVENTRY TO ADD A NEW CHAPTER 20 ENTITLED "MUNICIPAL WASTE COLLECTION AND RECYCLING" SETTING FORTH DEFINITIONS; LEGISLATIVE INTENT; RECYCLING PROGRAM; RESPONSIBILITIES OF GENERATOR; MATERIALS TO BE RECYCLED; RESPONSIBILITIES OF MUNICIPAL WASTE COLLECTORS; OWNERSHIP OF RECYCLABLE MATERIALS AND MUNICIPAL WASTE; ALTERNATE RECYCLING ACTIVITIES; HANDLING OF LEAF WASTE; AND ENFORCEMENT AND PENALTIES.**

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The Board of Supervisors of East Coventry Township does hereby **ENACT and ORDAIN** as follows:

**SECTION I. Amendment to Code**

The Code of Ordinances of the Township of East Coventry is hereby amended to add the following new Chapter 20 entitled "Municipal Waste Collection and Recycling":

Part 1

Municipal Waste Collection and Recycling

**§101. Title.**

This article shall be known as the "Municipal Waste Collection and Recycling Ordinance."

**§102. Definitions and word usage.**

1. As used in this Part, the following terms shall have the meanings indicated:

ACT 97 – The Solid Waste Management Act of 1980, as amended.

ACT 101 – The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, as amended.

ALUMINUM – Empty, all-aluminum beverage and food containers, commonly known as "aluminum cans."

BIMETAL CANS - Empty food or beverage containers constructed of a mixture of ferrous metal, usually steel, and nonferrous metal, usually tin.

BUSINESS(ES) - The legal owner, occupant or lessee of a commercial, industrial or cooperative enterprise, firm, partnership, corporation, association, institution, trust or governmental entity that engages in any form of business or governmental operations.

CORRUGATED PAPER - Paper products made of a stiff, moderately thick paper board, containing folds or alternating ridges, commonly known as "cardboard."

DEP - The Pennsylvania Department of Environmental Protection.

GLASS - Products made from silica or sand, soda ash and limestone. The product may be transparent (clear) or colored (e.g., brown or green) and used as a container for packaging (e.g., jars) or bottling of various matter. Expressly excluded are non-container glass, window or plate glass, light bulbs, blue glass and porcelain and ceramic products.

GRASS CLIPPINGS - The cut off portion of vegetation produced from cutting of a lawn, field or similar grassed area.

HIGH-GRADE OFFICE PAPER - All types of high-grade, white or colored paper, bond paper and computer paper used in residential, commercial, institutional, business, office and municipal establishments.

HOUSEHOLD HAZARDOUS WASTE - Small quantities of hazardous waste (as defined in the Solid Waste Management Act) available to a person or entity on a retail basis, such as pesticides, certain paints, paint thinners and solvents, cleaning agents and automotive products.

LANDLORD(S) - Any individual or organizational owner who rents and/or leases residential units, commercial space or an industrial complex(es). Landlords own the properties in question and deal directly with their tenants or lessees.

LEAF WASTE - Leaves, garden residues, shrubbery and tree trimmings and similar material, but does not include grass clippings.

MAGAZINES AND PERIODICALS - Printed matter containing miscellaneous written pieces published at fixed or varying intervals. Such matter typically has a gloss or shine added to the paper. Expressly excluded are all other paper products of any nature whatsoever.

MIXED PAPER - All types of paper combinations, such as colored paper, carbonless forms, ledger paper, colored paper envelopes, mixtures of high-grade office paper and the like.

MUNICIPAL WASTE - Any municipal waste as defined by Section 103 of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. § 6018.101 *et seq.*, and Section 103 of Act 101 and any rules and regulations promulgated thereunder.

MUNICIPAL WASTE COLLECTOR(S) - Any collector, remover, transporter and/or hauler of municipal waste and/or recyclable materials in the Township. A municipality shall be considered a municipal waste collector if it provides manpower and equipment for the collection of municipal waste.

NEWSPAPER - Paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

PERSON or ENTITY - Any individual, firm, partnership, corporation, business, association, institution, cooperative enterprise, trust, municipality, municipal authority, federal institution or agency, state institution or agency (including but not limited to the Department of General Services and the Public School Building Authority), other governmental agency or any other legal entity or group whatsoever which is recognized by law as the subject of rights and duties. In any provision of this Part prescribing a fine, penalty or imprisonment or any combination of the foregoing, the term "person" or "entity" shall mean the officers and directors of any corporation or other legal entity having officers and directors.

PLAN or COUNTY PLAN - The latest revision of the county-wide municipal waste management plan adopted by the county and approved by DEP, as such may hereinafter be supplemented, revised, amended or modified in compliance with the law.

PLASTIC CONTAINERS - Empty plastic food and beverage containers. Due to the large variety of plastics, the recycling regulations contained in this Part will stipulate the specified types of plastics to be recycled.

RECYCLABLE MATERIALS - Materials generated by a person or entity which can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Materials which shall be recycled include but are not limited to: glass (clear, brown or green), aluminum, bimetal cans, high-grade office paper, mixed paper, newspaper (including newspaper inserts, junk mail and telephone books), corrugated paper, magazines and other periodicals, plastic containers and other materials as may be designated from time to time as recyclable materials.

RECYCLING COLLECTOR - A municipal waste collector engaged in the collection, removal, transportation or hauling of recyclable materials.

RECYCLING PROCESSORS - Entities which receive recyclable materials, separate recyclable materials from non-recyclable residue and market the separated recyclable materials for reuse or remanufacture.

RENTAL AGENT(S)/PROPERTY MANAGERS - Any individual or organization who or which assumes the owner's responsibility in renting and/or leasing residential units, commercial space or industrial complexes. Agents do not own the properties in question, but, deal directly with tenants or lessees on behalf of the owner(s).

RESIDENT(S) - The legal owner, occupant or lessee of a single-family residential unit in a municipality served by curbside collection of municipal wastes and/or recyclables or owner, occupant or lessee of any other type of multifamily residential unit, including but not limited to single-family attached dwellings, two-family detached dwellings, single-family semi-detached dwellings, two-family semi-detached dwellings, two-family attached dwellings, row homes, multi-unit dwellings and apartments, whose multifamily unit has curbside collection of municipal waste and/or recyclables.

TOWNSHIP – East Coventry Township.

2. All terms not separately defined in this article that are contained in Act 97 and Act 101 are incorporated herein by reference.

§103. Legislative intent.

1. The reduction of the amount of municipal waste and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its detrimental impact on the environment.

2. It is the intent of this Part to require, promote and regulate recycling activities in the Township and to protect the health, safety and welfare of residents.

3. This Part has been developed to meet and implement municipal responsibilities established under Act 101.

§104. Recycling Program.

1. In accordance with the responsibilities in this Part, the Township hereby establishes rules and regulations related to the administration of the recycling program in the Township and provisions to administer and enforce against violations of all such rules and regulations. The Township shall determine the recyclable materials to be separated by residents, non-curbside residents and businesses and collected by municipal waste collectors; however, this designation may be changed by the Township from time to time. All commercial, industrial and institutional establishments shall also be required to separate the materials designated by the Township for recycling.

2. The separation and collection of the recyclable materials designated by the Township herein for separation and collection shall be the minimum required to satisfy the requirements of the Township's recycling program. Additional recyclable materials may be separated and collected by arrangement between any person or entity and their municipal waste collector. Such arrangements are specifically encouraged by the Township.

3. In accordance with Section 1501(c)(1)(iii) of Act 101, the Township shall be authorized to exempt persons occupying commercial, institutional and industrial establishments from the requirements of this Part if they have otherwise provided for the recycling of materials designated by this Part and any subsequent designation by the Township. To be eligible for this exemption, the commercial, industrial or institutional waste generator must provide, on an annual basis, written documentation to the Township of the total quantity of each material recycled, in the form and by the Act as provided for in the Township's rules and regulations. Exemptions shall be handled administratively by the Township.

§105. Responsibilities of generator.

1. Each person or entity, unless exempted under §104.2 of this Part, who or which generates municipal waste and/or designated recyclable materials shall have such waste and recyclable materials collected by a municipal waste collector who is legally operating within the Township, and such collection shall be no less frequent than one time per week.

2. Each person or entity who or which generates municipal waste in the Township shall be responsible for complying with the requirements of this Part for the separation of recyclable materials as required by Act 101 as implemented by the Township. This shall include tenants and lessees occupying leased properties.

3. Owners, landlords or rental agents of any leased property, other than a single-family-occupied property, shall be responsible for publicly posting educational information provided by the Township and/or municipal waste collectors; provide appropriate recyclable material collection containers and provide for pickup of such containers in accordance with this Part. Owners, landlords or rental agents of a single-family-occupied property may assign such responsibility to the tenant or lessee occupying the property through a lease or rental agreement or other written assignment.

4. Every person or entity must separate household hazardous waste and leaf waste from the recyclable materials and other municipal waste. It is the responsibility of a person or entity to dispose of household hazardous waste in accordance with applicable law.

5. All occupants of a residential unit shall maintain a separate container of the type specified or provided by the Township or municipal waste collector to collect all designated recyclable materials in a commingled or modified commingled (e.g., different materials separated into paper bags and placed in the container) fashion, as established by the municipal waste collector, subject to the rules and regulations of the Township. Municipal waste and recyclable material containers shall be placed on the property owner side of the curb for collection. Enforcement of container rules for placement at curbside shall be the responsibility of the Township. Newspapers may also be placed in paper bags (no plastic bags) or bundled and tied, both across and lengthwise, with rope or cord, and kept dry prior to collection and placed at curbside with the recycling container. No such municipal waste containers or recyclable material containers, including bundles of newspapers (other than containers supplied by municipal waste collectors), shall weigh more than 50 pounds.

6. Owners or landlords of any multifamily residential units where individual residential refuse collection does not occur shall be responsible for providing suitable containers or dumpsters for recyclable materials. Such containers or dumpsters shall be provided through arrangements with a municipal waste collector, and source-separated or commingled recyclable material containers or dumpsters may be utilized. The containers or dumpsters must be provided at easily accessible locations, and written instructions must be provided to the occupants concerning the use and availability of such containers or dumpsters. Owners or landlords of multifamily residential units who comply with the requirements of this subsection shall not be liable for the noncompliance of any persons or entity occupying their buildings as such noncompliance relates to separation of materials. All tenants or lessees of multifamily residential units shall be responsible for separating recyclable materials and placing them in the containers or dumpsters provided for such purposes.

7. Owners or landlords of any institutional, commercial, business or industrial establishment shall be required to meet the same requirements outlined in §105.6, unless exempted under §104.2 of this Part or unless such responsibilities are specifically assigned, in writing, to the tenant or lessee of such property.

8. It is the Township's preference and the Township specifically encourages every person or entity to let grass clippings lay on the lawn to decompose as a natural organic fertilizer in order to reduce the amount of grass clippings that are disposed of as municipal waste. In the event that a person or entity does not let grass clippings lay on the lawn after mowing, the Township further encourages such persons to provide for the composting of grass clipping at a compost facility which accepts grass clippings. In accordance with the requirements of Act 101, any grass clippings that are not allowed to lay on the lawn or disposed of at an appropriate composting facility may be comingled with other municipal waste and collected curbside.

#### §106. Materials to be recycled.

1. All occupants of a residential unit shall be required to separate and recycle the following: clear glass, colored glass, high-grade office paper, newsprint (including newspaper inserts, junk mail and telephone books), aluminum cans, bimetallic cans, No.1 PET plastics, No.2 HDPE plastics, No.4 LDPE plastics and No.5 PP plastics.

2. Commercial establishments will be required to separate and recycle the following: corrugated paper, high-grade office paper, aluminum cans, bimetallic cans, No.1 PET plastics, No.2 HDPE plastics, No.4 LDPE plastics, No.5 PP plastics.

3. Hospitality establishments which include restaurants shall be required to separate and recycle the following: cardboard, high-grade office paper, newspaper (including newspaper inserts, junk mail and telephone books), aluminum cans, bimetallic cans, No.1 PET plastics, No.2 HDPE plastics, No.4 LDPE plastics and No.5 PP plastics.

4. Community events. Recycling containers shall be provided at all community events attended by 200 or more people. The disposal of recyclable materials collected at such events shall be in accordance with the provisions of this Part.

§107. Responsibilities of municipal waste collectors.

1. Reporting and recordkeeping requirements.

A. Unless specifically provided otherwise in the Township's rules and regulations, all municipal waste collectors shall deliver or send to their customers in the Township, at least every six (6) months, an information sheet that names the materials which are to be recycled.

B. Municipal waste collectors shall be responsible for obtaining weight and volume data on all municipal waste and recyclable materials collected by them in the Township. Said data shall be supplied to the Township on an annual basis by January 15 for the preceding year. Such report shall include the name of the market or processor where recyclable materials are delivered and shall be signed by an officer of the municipal waste collector.

C. Municipal waste collectors shall maintain records of their collection, removal, transportation and hauling activities for each municipality and make them available for inspection by the Township, in accordance with the rules and regulations of the Township.

2. Collection, processing, marketing and reporting requirements.

A. Each municipal waste collector operating in the Township shall be responsible for complying with the requirements of this Part and the Township's rules and regulations for the collection, processing and marketing of recyclable materials.

B. The municipal waste collector shall, in providing refuse collection and disposal services, also provide for the collection of recyclable materials. Unless specifically provided otherwise in the Township's rules and regulations, where once or twice a week municipal waste collection is provided, the municipal waste collector must provide at least once a week recyclable material collection.

C. A municipal waste collector shall not be permitted to allow recycling containers or dumpsters to fill beyond capacity and shall schedule the frequency of such collection accordingly.

D. The municipal waste collector shall be responsible for the processing and marketing of the recyclable materials or the delivery of recyclable materials to a recycling processor. Such activities may be conducted by the municipal waste collector or any agent thereof or a private entity conducting such business, a nonprofit entity able to undertake such effort or any governmentally owned or operated facility capable of such functions.

E. The municipal waste collector shall, prior to initiating processing and marketing activities, provide the Township with a summary of its proposed efforts, including the location of the facility(ies) to which the recyclable materials will be delivered, to the maximum extent possible. All such facility(ies) shall be appropriately licensed and permitted. Updates shall be provided as changes are made.

F. All municipal waste collectors shall keep records of the quantities of recyclable materials collected in the municipality. The records shall include the weight of the total quantities of recyclable materials and total quantities of municipal waste and an estimate of the corresponding volume of material for both recyclable materials and municipal waste. Estimates of the individual components comprising the commingled recyclable materials shall also be provided. Written reports shall be provided to the Township on reporting forms provided by the Township and shall include the name and location of the processing center and/or recyclable materials dealer and shall be submitted in accordance with the time schedules established in this Part.

G. Leaf waste quantities shall be recorded by the municipal waste collector collecting such materials. Such quantities may be in the form of estimates on either a cubic yard or tonnage basis collected, and written documentation must be provided to the Township by January 31 of each year for materials collected in the preceding calendar year of the total quantity of leaf waste collected. The collector has the option of reporting tonnage either in compacted or uncompacted cubic yards.

H. Municipal waste collectors shall not collect refuse, recyclable materials or any other wastes between the hours of 8:00 p.m. and 6:00 a.m. Eastern standard time or, when applicable, between 8:00 p.m. and 6:00 a.m. Eastern daylight saving time. Failure to comply with this provision shall subject a municipal waste collector to the enforcement by the Township. This subsection H shall not apply to collection of refuse, recyclable materials or any other wastes on Routes 23 and 724.

#### §108. Ownership of recyclable materials and municipal waste.

1. All recyclable materials and municipal waste placed at curbside for collection or in any container or dumpster designated for recyclable materials shall become the property of the municipal waste collector providing the service, except as outlined in §110 of this Part.

2. It shall be a violation of this Part for any person or entity, other than the municipal waste collector providing the service, to collect or remove any of the recyclable materials from their designated collection location, except as outlined in §110 of this Part. Each unauthorized collection from one or more designated locations on one calendar day, in violation hereof, shall constitute a separate and distinct offense punishable as hereinafter provided.

#### §109. Alternate recycling activities.

1. Any person, volunteer organization or other entity may utilize alternative methods, other than collection by a municipal waste collector, to accomplish the purpose of reutilizing recyclable materials. Any such person, volunteer organization or other entity shall register such programs with the Township. All recyclable materials tonnage data shall be collected and reported to the Township in accordance with all applicable procedures for the reporting of such information.



2. The Township is authorized to permit an alternate recycling program to be developed in accordance with Paragraph 1501(h) of Act 101 if the requirements of that paragraph can be complied with. The Township shall, before implementation of the program, review and approve the program. The municipal waste collector conducting the program must provide annual written documentation to the Township of the total quantity of each material recycled.

#### §110. Handling of leaf waste.

1. Municipal waste collectors shall provide for the curbside collection of leaf waste at least once during the spring and at least once during the fall of each year. The collection of leaf waste shall be augmented by designation of a drop-off compost facility for haulers and residents to utilize which shall be open at least once per month for leaf waste which is generated between scheduled collections.

2. Leaf waste collection shall be conducted by the municipal waste collectors in accordance with regulations of DEP. All leaf waste shall be disposed of in a DEP-permitted compost facility in accordance with all applicable state guidelines.

3. All municipal waste collectors shall provide the Township with the name and address of the facility(ies) where the leaf waste will be disposed and report the quantity in tons or cubic yards. Leaf waste shall not be commingled with any other municipal solid waste. The disposal of leaf waste at a sanitary landfill, waste-to-energy facility or any other non-composting facility is strictly prohibited.

4. Leaf waste shall not be left in a form which obstructs the flow of traffic or affects the performance of drainage facilities or catch basins.

#### §111. Enforcement and penalties.

1. Any person or entity violating the provisions of this Ordinance pertaining to the separation of recyclable materials and leaf waste, collected within the boundaries of the Township, including co-mingling of recyclable materials and leaf waste with municipal waste by haulers and their employees, shall receive an official written warning sent certified mail, return receipt requested from the Township Solicitor. Thereafter, within two years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this Ordinance pertaining to the separation of recyclable materials and leaf waste collected within the boundaries of the Township, shall be subject to a criminal fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00) per violation, plus damages, court costs and reasonable attorney's fees and imprisonment to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violations shall be by action commenced by the Township before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

2. No municipal waste collector shall knowingly collect municipal waste which contains recyclable materials or leaf waste. The municipal waste collector shall provide a person or entity violating the provisions contained herein with written notice for the first offense and also provide the Township with the same written notice. Any municipal waste collector who shall knowingly violate the provisions of this subsection and collect municipal waste containing recyclable materials and leaf waste from a person or entity who or which has previously been notified by the Township and/or a municipal waste collector of noncompliance shall receive an official warning from the Township for the first offense. The municipal waste collector, for subsequent offenses within a two-year period of the warning, upon conviction, shall be sentenced to pay a fine of not less than One Thousand Five Hundred Dollars (\$1,500.00) per violation, plus damages, court costs and reasonable attorney's fees and imprisonment to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violation shall be by action commenced by the Township before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

3. Any person or entity who shall violate any provision of this Ordinance not covered in Subsection A or B above shall receive an official written warning sent certified mail, return receipt requested from the Township Solicitor for the first offense. Thereafter, within two (2) years from the date of the written warning for the first offense, any person or entity violating any of the provisions of this Ordinance not otherwise covered in Sections A or B shall, upon conviction, be subject to a criminal fine of not less than Five Hundred Dollars (\$500.00) per violation, plus damages, court costs and reasonable attorney's fees and imprisonment to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violations shall be by action commenced by the Township before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Each day on which a violation of this Ordinance continues shall constitute a separate offense punishable by a like fine or penalty.

4. Nothing in this section shall be construed to limit the Township's remedies which shall include but not be limited to including the filing of actions at law or in equity seeking damages and/or injunctive relief.

## **SECTION II. Severability**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION III. Failure to Enforce not a Waiver**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION IV. Effective Date**

This Ordinance shall take effect and be in force beginning March 1, 2013.

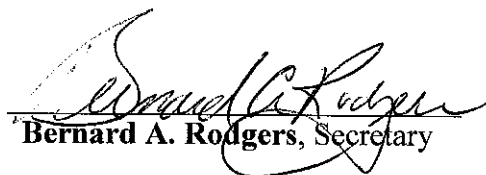
**SECTION V. Repealer**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED and ENACTED** by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, this 14<sup>th</sup> day of January, 2013.

**EAST COVENTRY TOWNSHIP**

By:   
Ray A. Kolb, Chairman

Attest:   
Bernard A. Rodgers, Secretary